

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHAWN ARCHIE,

Plaintiff,

v.

RICHARD T. SMITH, et al.,

Defendants.

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Civ. No. 20-7649 (NLH) (KMW)

MEMORANDUM OPINION & ORDER

APPEARANCE:

Shawn Archie
000974313G
Southern State Correctional Facility
4295 Route 47
Delmont, NJ 08314

HILLMAN, District Judge

WHEREAS, Plaintiff Shawn Archie filed a complaint under 42 U.S.C. § 1983 seeking damages for defamation and violation of his medical privacy as well as a court order requiring him to be tested for COVID-19, see ECF No. 1; and

WHEREAS, the Court dismissed the complaint without prejudice on November 25, 2020 for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), ECF No. 14; and

WHEREAS, the Court's order permitted Plaintiff to submit an amended complaint, id.; and

WHEREAS, the Court received a set of documents on January 21, 2021 with a cover letter stating "[h]ere is another law suit

that needs to be filed with the courts of New Jersey.” ECF No. 19; and

WHEREAS, a letter from Plaintiff asked the Court to permit the enclosed complaint to proceed, id. at 3; and

WHEREAS, the enclosed complaint concerned the responses of Southern State Correctional Facility and the Central Reception and Assignment Facility to the COVID-19 pandemic, id. at 5-24. It did not concern Plaintiff’s defamation and violation of medical privacy claims or the same defendants; and

WHEREAS, the Court ordered the Clerk to create a new civil action from these documents because the proposed complaint was an entirely new complaint rather than an amended complaint addressing the deficiencies identified by the Court on November 25, 2020, ECF No. 20; and

WHEREAS, the Clerk created Civil Action 21-1095 with the documents that were filed on January 21, 2021, see Archie v. Chetirkin, No. 21-1095 (D.N.J. filed Jan. 21, 2021); and

WHEREAS, Plaintiff wrote to the Court in this action asking why this matter was closed and for the new case number, ECF No. 24. He also asks the Court to appoint him an attorney, id.; and

WHEREAS, Plaintiff’s complaint regarding the alleged defamation and invasion of medical privacy was dismissed with leave to amend on November 25, 2020, ECF No. 14; and

WHEREAS, the documents submitted by Plaintiff in January 2021 were separated into a new civil action, Archie v. Chetirkin, No. 21-1095, because the claims were not related to the claims raised in the original complaint. As of the date of this Order, the Court has not received a proposed amended complaint on Plaintiff's defamation and invasion of medical privacy claims; and

WHEREAS, in the interests of justice, the Court will grant a final extension of time, see ECF No. 18, for Plaintiff to submit a proposed amended complaint before dismissing this action with prejudice; and

WHEREAS, Plaintiff may move for the appointment of counsel in the event he elects to submit a proposed amended complaint,

THEREFORE, IT IS on this 13th day of April, 2021

ORDERED that Plaintiff may submit a proposed amended complaint by June 14, 2021; and it is finally

ORDERED that the Clerk shall send Plaintiff a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.